

REMARKS

Claims 1-17 and 33-47 are all the claims pending in the application. Claims 18-32 were withdrawn from consideration pursuant to a Restriction and Election of Species Requirement. This Amendment amends claims 1 and 4, cancels claims 19-23, adds claims 39-47, and addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

Applicant thanks the Examiner for the courtesy extended at the Personal Interview on October 4, 2006, and for the further feedback provided to Applicant's undersigned representative by telephone on October 20, 2006 and November 30, 2006.

As a preliminary matter, a spelling error is corrected in paragraph 0065 of the application.

Statement of Substance of Interview

A Personal Interview was conducted on October 4, 2006, attended by Examiner Yuan, inventor Martin Klein, and Applicant's undersigned representative. At the interview an example cell, envelope, and spacer similar to that illustrated in FIG. 11 and two types of pressure sensors (a microswitch and a strain gauge) were demonstrated as visualization tools as the operation of the cells and the role of the spacer was explained.

Following the demonstration, the Examiner raised several points that he requested be elaborated upon in the claims to clarify operation: (1) the nature of the expansion, (2) the role of the spacers, and (3) the nature of the cell envelope. While no particular agreement was reached at the interview, the Examiner invited Applicant to submit a proposal prior to responding to the Action.

After review of an initial proposal, the Examiner generally agreed by telephone on October 20, 2006, that most of the points raised had been addressed, but asked for further description regarding the cell envelope in the claims. A second proposal was submitted, adding in claim 1 that the "area to expand" expands *in thickness* and adding dependent claims 42-47 to further characterize the envelope and the area to expand. By telephone on November 30, 2006, the Examiner indicated that the proposed changes appeared to address his concerns, and asked

that Applicant include an indication of where support could be found for the changes in this response. The claims presented herein are the claims submitted in the second proposal.

Claim Rejections - 35 U.S.C. § 112, ¶ 1

In view of the Examiner's further explanation of the § 112 rejection following the demonstration at the interview, claim 1 is amended to further describe the battery. Claim 4 is amended to reconcile the claim with changes to claim 1.

An example of support for the cells being individually sealed in an envelope can be found (among other places) in paragraphs 0036 and 0058.

An example of support for the cells being of a chemistry that generates gas in *over charge* and/or *over discharge* can be found (among other places) in the *Background of the Invention* together with paragraphs 0030, 0038, and 0065.

An example of support for a *spacer* being provided in the expandable area, the spacer providing the cell with a *uniform thickness* of an unexpanded state can be found (among other places) in paragraphs 0036, 0045, and 0061.

An example of support for the envelope having an area to expand *in thickness* in response to pressure generated with the cell can be found (among other places) in paragraphs 0041 and 0045.

These examples are provided for the Examiner's convenience and are not intended to be exhaustive.

Reconsideration and withdrawal of the § 112 rejections are requested.

New Claims

New dependent claims 39-41 recite battery chemistries. Examples of support for these claims can be found (among other places) in paragraph 0065 together with the *Background of the Invention*.

New dependent claims 42-46 recite the use of flexible material in construction of the cell envelope, and that the flexible material can be a plastic film. Examples of support for these claims can be found (among other places) in paragraphs 0032, 0036, 0045, and 0059.

New dependent claim 47 describe current collectors laminated to the inside faces of the cell envelopes. Examples of support for these claims can be found (among other places) in paragraphs 0035, 0045, and 0058.

These examples are provided for the Examiner's convenience and are not intended to be exhaustive.

Entry and consideration on the merits of these new claims are requested.

Conclusion

In addition to the support for the claim amendments and new claims afforded by the above non-exhaustive list of examples and the other examples that can be found in the specification, there is additional description of stacked wafer cells, envelopes, and laminated current collectors in the three U.S. Patents incorporated by reference as noted in paragraphs 0044 and 0045.

Applicant authorizes the Commissioner to charge any fees determined to be due with the exception of the issue fee and to credit any overpayment to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4209 to discuss any matter concerning this application.

Respectfully submitted,
KENYON & KENYON LLP



David A. Klein
Reg. No. 46,835

Dated: December 11, 2006

Kenyon & Kenyon LLP
1500 K Street, N.W.
Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201